

DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Semi-Annual Rule-Making Agenda
July 1, 2009 through December 31, 2009

| WAC Chapter or WAC Number | WAC Chapter or Section Caption | Subject Matter | Program Contact Person | Current Activity (the “WSR” number is the official filing number) | | | |
|---|--|--|------------------------------|--|--|--|--|
| | | | | Emergency Rule (CR 103E) | Pre- proposal Notice (CR 101) | Proposed Rule (CR 102) | Permanent (Final) Rule (CR 103P) |
| Aging and Disability Services Administration (ADSA) | | | | | | | |
| ADSA-Division of Developmental Disabilities (DDD) | | | | | | | |
| Chapter 388-825 WAC | Division of Developmental Disabilities Service Rules | Repealing the rules relating to the Family Support Program which have been replaced by chapter 388-832 WAC | Meredith Kelly ADSA-DDD | | WSR 09-04-092 Filed 2/4/09 | WSR 09-15-020 Hearing 8/25/09 | |
| WAC 388-825-068 | Division of Developmental Disabilities Services Rules | Amending requirements to respond to state budget appropriations (Adult Day Health) | Meredith Kelly ADSA-DDD | WSR 09-14-084 Filed 6/30/09 | WSR 09-07-039 Filed 3/10/09 | | |
| Chapter 388-826 WAC | Voluntary Placement Program | Changing the chapter name to Children’s Residential Services – Voluntary Placement; updating the rules to provide more consistent administration, delivery, & monitoring across the state to all recipients of voluntary | Meredith Kelly ADSA-DDD | | WSR 08-19-052 Filed 9/11/08 | | |

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| | | placement services. | | | | | |
| WAC 388-827-0115 | State Supplemental Income Payment (SSP) | Amending the eligibility dates for converting state only residential allowances to SSP when there is an ongoing need for a residential allowance | Meredith Kelly ADSA-DDD | WSR 09-12-116 Filed 6/3/09 | WSR 09-04-068 Filed 2/2/09 | WSR 09-12-059 Hearing 7/7/09 | |
| Chapter 388-828 WAC | DDD Assessment | Adding language to chapter 388-828 WAC to clarify the Individual Support Plan process. | Meredith Kelly ADSA-DDD | | WSR 08-16-138 Filed 8/6/08 | WSR 09-12-060 Hearing 7/7/09 | |
| Chapter 388-828 WAC | DDD Assessment | Adding the Children's Intensive In-home Behavioral Support Program algorithm | Meredith Kelly ADSA-DDD | 388-828-1620 WSR 09-14-044 Filed 6/24/09 | WSR 08-20-087 Filed 9/29/08 | | |
| Chapters 388-828 388-829C 388-826 WAC | DDD Assessment, Companion Homes, and Voluntary Placement Program | Implementing a standardized respite assessment and calculating respite hours for companion home services and voluntary placement services. | Mark Eliason ADSA-DDD | | WSR 09-13-029 Filed 6/9/09 | | |
| WAC 388-828-9040 388-828-9060 388-828-9140 | DDD Assessment | Clarifying rules that explain how DDD determines the individual and family services level. | Mark Eliason ADSA-DDD | | WSR 09-13-091 Filed 6/16/09 | | |

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| WAC 388-831-0010 388-831-0030 | Who are individuals with community protection issues? | Including individuals who have a history of violent behavior which demonstrates the likelihood to commit a violent act. | Meredith Kelly ADSA-DDD | WSR 09-10-084 Filed 5/6/09 | WSR 09-01-047 Filed 12/10/08 | | |
| WAC 388-831-0240 | Can I be terminated from the Community Protection Program? | Maintaining consistency with changes in WAC 388-845-0060. | Meredith Kelly ADSA-DDD | | WSR 09-07-062 Filed 3/12/09 | | |
| WAC 388-832-0145 | Who is eligible to receive respite care? | Revising eligibility, as directed by the legislature, for respite services for individuals participating in the Individual and Family Services Program. | Meredith Kelly ADSA-DDD | (The department will be filing an emergency rule effective 7/26/09) | WSR 09-14-016 Filed 6/22/09 | | |
| Chapter 388-835 WAC | ICF/MR program and reimbursement system | Amending language to reflect new rates for Intermediate Care Facilities for the Mentally Retarded. | Meredith Kelly ADSA-DDD | | Planned for future action | | |
| Chapter 388-845 WAC | Division of Developmental Disabilities Home and Community Based Services Waivers | Adding a fifth waiver, known as the Children's Intensive In-home Behavioral Supports (CIIBS). | Meredith Kelly ADSA-DDD | WSR 09-10-035 Filed 4/30/09 | WSR 08-19-112 Filed 9/17/08 | | |

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| Chapter 388-850 WAC | County Plan for developmental disabilities | Rewriting rules in "plain talk" format and clarifying language. | Meredith Kelly ADSA-DDD | | Planned for future action | | |
| WAC 388-850-045 | County plan for developmental disabilities | Amending the requirements to comply with state budget appropriations | Meredith Kelly ADSA-DDD | WSR 09-14-089 Filed 6/30/09 | WSR 09-01-132 Filed 12/22/08 | | |

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| ADSA- Home and Community Services (HCS) | | | | | | | |
| Chapters 388-71 388-106 WAC | Adult Day Health | Changing rules based on state budget and federal requirements regarding Adult Day Health. | Tiffany Sevruk ADSA-HCS | WSR 09-14-045 Filed 6/24/09 | WSR 09-12-042 Filed 5/27/09 | | |
| Chapters 388-71 388-106 388-112 388-825 388-829A 388-829C WAC | Home and Community Services. Long-Term Care services, and Developmental Disabilities Services | Implementing Initiative 1029 and federal background checks and training and certification requirements. | Barbara Hanneman ADSA-HCS | | WSR 09-04-087 Filed 02/03/09 | | |
| Chapter 388-106 WAC | Long-Term Care Services | Updating how the individual budget amount is calculated after the New Freedom Participant is assigned a classification as a result of an assessment performed in CARE. | Tiffany Sevruk ADSA-HCS | | WSR 09-13-092 Filed 6/16/09 | | |
| WAC 388-106-0125 | Long-Term Care Services | Reducing the number of in-home care hours authorized in the 17 level CARE assessment as directed by the Legislature. | Tiffany Sevruk ADSA-HCS | WSR 09-14-046 Filed 6/24/09 | WSR 09-14-042 Filed 6/24/09 | | |

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| WAC 388-515-1507 | What are the financial requirements for home and community based (HCB) services when you are eligible for a noninstitutional categorically needy (CN) medicaid program? | Including Healthcare for Workers with Disabilities (HWD) in financial eligibility for CN home and community program waiver. | Lori Rolley ADSA-HCS | WSR 09-08-082 Filed 3/30/09 | WSR 09-08-052 Filed 3/25/09 | WSR 09-11-105 Hearing 6/23/09 | WSR 09-14-043 Effective 7/25/09 |
| WAC 388-561-0300 | Life Estates | Adding Deficit Reduction Act language and improving the clarity and readability of the rule. | Lori Rolley ADSA-HCS | | WSR 08-21-151 Filed 10/21/08 | | |

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| ADSA – Office of Rates Management | | | | | | | |
| WAC 388-105-0005 388-105-0045 | Medicaid rates for contracted home and community residential care services | Implementing the 2009 legislative required reduction of the 17 CARE Level Payment System rates for Home and Community residential providers and implementing notification requirements for bed hold discharge. | Patricia Hague ADSA Office of Rates Management | WSR 09-14-094 Filed 6/30/09 | WSR 09-11-100 Filed 5/19/09 | | |

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| ADSA- Residential Care Services(RCS) | | | | | | | |
| WAC 388-76-10025 388-76-10070 | Licensing and application fees for adult family homes and providers | Implementing legislation that increased fees for adult family homes and providers. | Maureen Lally ADSA-RCS | | WSR 09-14-071 Filed 6/29/09 | | |
| Chapter 388-78A WAC | Boarding Home rules | The department is considering making editorial and clarifying changes and making these rules consistent with current law and standards. | Judy Johnson ADSA-RCS | | WSR 09-14-069 Filed 6/29/09 | | |
| Chapter 388-97 WAC | Nursing Home rules | The department is considering making editorial and clarifying changes and making the rules consistent with current laws and standards. | Lisa Yanagida ADSA-RCS | | WSR 09-14-070 Filed 6/29/09 | | |
| Chapter 388-101 WAC | Certified Community Residential Services and Supports | The department is making editorial and clarifying changes and making the rules consistent with current law and standards. | John Gaskell ADSA-RCS | | WSR 09-14-068 Filed 6/29/09 | | |

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| WAC 388-110-140 | Assisted living facility structural requirements | Correcting an inadvertent omission of a structural requirement of a sink in the kitchen area of a resident unit, and clarifying rule language and deleting unnecessary or redundant language. | Judy Johnson ADSA-RCS | | WSR 08-16-104 Filed 8/5/08 | WSR 09-14-077 Hearing 8/4/09 | |

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| Children’s Administration | | | | | | | |
| WAC chapter not determined yet | Domestic violence prevention | Proposing new rules establishing standards for programs receiving domestic violence prevention funds. | Maureen Kelly Children’s Administration | | WSR 06-06-073 Filed 2/28/06 | | |
| WAC 388-15-013 | Who may receive child protective services? | Matching requirements as to In Loco Parentis in RCW 74.13.031 and Children’s Administration policy | Tina Stern Children’s Administration | | WSR 09-10-076 Filed 5/5/09 | | |
| Chapter 388-25 WAC | Financial Support of Foster Children | Establishing, updating, aiding, explaining and strengthening services provided for protection and care of children needing out-of-home placement. | Carrie Kendig Children’s Administration | | WSR 08-05-044 Filed 2/13/08 | WSR 09-10-024 Hearing 6/9/09 | |
| Chapter 388-27 WAC | Guardianship Subsidies | Creating rules to provide clarity and guidance to persons receiving guardianship subsidy. | Lonnie Locke Children’s Administration | | WSR 08-05-045 Filed 2/13/08 | | |

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| WAC 388-32-0020 388-32-0025 388-32-0030 | Family Reconciliation Services | Reflecting efforts to best serve the needs of families served by Children's Administration, supporting access to appropriate services for families with adolescents across programs. | Tim Kelly Children's Administration | | WSR 08-05-043 Filed 2/13/08 | | |
| Chapter 388-39A WAC | Child Welfare Services—Complaint Resolution | Child Welfare Services—Complaint Resolution. | Children's Administration | | Planned for future action. | | |
| Chapter 388-61A WAC | Shelters for Victims of Domestic Violence | Updating and deleting outdated sections, and developing new sections specifically covering nonresidential services provided by emergency shelter contractors. | Susan Hannibal Children's Administration | | WSR 08-06-086 | | |

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| Economic Services Administration (ESA) | | | | | | | |
| ESA Division of Child Support (DCS) | | | | | | | |
| Chapter 388-14A WAC | Division of child support rules | Changing the Washington State Support Schedule | Nancy Koptur ESA-DCS | | WSR 09-10-046 Filed 5/1/09 | | |
| Chapter 388-14A WAC | Division of child support rules | Considering improvements to the conference board process in order to streamline agency procedures, increase efficiency, and increase the level of customer service. | Nancy Koptur ESA-DCS | | WSR 08-08-113 Filed 4/2/08 | | |
| WAC 388-14A-3900 to 388-14A-3925 | Division of child support rules | Revising rules on modification of support orders. | Nancy Koptur ESA-DCS | | WSR 03-22-054 Filed 10/31/03 | | |

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| Chapter 388-14A WAC | Division of child support rules | Implementing statutory changes contained in SSB 5166 (Chapter 408, Laws of 2009) regarding the Division of Child Support license suspension program, | Nancy Koptur ESA-DCS | | WSR 09-14-073 Filed 6/29/09 | | |
| Chapter 388-14A WAC | Division of child support rules | Implementing statutory changes contained in E2SSB 5688 (Chapter 521, Laws of 2009) regarding the rights and responsibilities of registered domestic partners. | Nancy Koptur ESA-DCS | | WSR 09-14-074 Filed 6/29/09 | | |
| Chapter 388-14A WAC | Division of child support rules | Implementing statutory changes contained in SHB 1845 (Chapter 476, Laws of 2009) regarding medical support obligations in child support orders. | Nancy Koptur ESA-DCS | | WSR 09-14-075 Filed 6/29/09 | | |

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| ESA - Community Services Division (CSD) | | | | | | | |
| WAC 388-310-0200 | Workfirst | Eliminating WorkFirst participation requirements for dependant minors | Allen Shanafelt ESA-CSD | | WSR 09-07-095 Filed 3/18/09 | WSR 09-10-044 Hearing 6/9/09 | |
| WAC 388-310-0350 | WorkFirst | Allowing for streamlining of the WorkFirst Exemption process | Sandy Jsames ESA-CSD | | WSR 09-09-099 Filed 4/20/09 | WSR 09-13-093 Hearing 7/21/09 | |
| WAC 388-310-0500 388-310-0900 388-310-1000 388-310-1050 | WorkFirst | Invoking new options under the final Deficit Reduction Act, and maximizing the state's ability to meet the federal work participation rate. | Stephanie Nielsen ESA-CSD | WSR 09-12-017 Filed 05-22-09 | WSR 08-20-050 Filed 9/24/08 | WSR 09-09-104 Hearing 5/26/09 | WSR 09-14-019 Effective 7/23/09 |
| WAC 388-310-0700 | Comprehensive Evaluation | Modifying the Comprehensive Evaluation process for WorkFirst participants. | Stacey Bushaw ESA-CSD | | WSR 09-09-015 Filed 4/3/09 | WSR 09-13-090 Hearing 7/21/09 | |
| WAC 388-406-0005 388-406-0035 388-406-0045 | Applying for assistance | Complying with changes made to RCW 74.08.060 by SSB 6024 effective November 1, 2009 | Melissa Mathson ESA-CSD | | WSR 09-10-055 Filed 5/4/09 | | |

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| WAC 388-406-0055 | When do my benefits start? | Complying with statutory changes made to RCW 74.08.060 by SSB 6024 (Chapter 198, Laws of 2009). | Melissa Mathson ESA-CSD | | WSR 09-14-072 Filed 6/29/09 | | |
| Chapter 388-412 WAC | Benefits Issuances | Adding rules to this chapter to provide rules for making Basic Food and Cash benefits Electronic Benefit Transfer transaction adjustments consistent with federal regulations. | Holly St. John ESA-CSD | | WSR 09-13-096 Filed 6/17/09 | | |
| WAC 388-412-0015 388-444-0030 388-478-0060 | Basic Food and WASHCAP | Implementing federal requirements for SNAP related to eligibility and benefit level for the Basic Food and WASHCAP programs | John Camp ESA-CSD | WSR 09-08-084 Filed 3/30/09 | WSR 09-06-084 Filed 3/3/09 | WSR 09-10-064 Hearing 6/9/09 | WSR 09-14-018 Effective 7/23/09 |
| WAC 388-412-0040 | Can I get my benefits replaced? | Streamlining and expediting the benefits replacement process for clients, minimizing the amount of time they will be left without any food that is damaged by a disaster event. | Don Winslow ESA-CSD | | WSR 09-01-059 Filed 12/11/08 | | |

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| WAC 388-418-0005 388-418-0007 388-418-0011 388-416-0005 | Simplified Reporting | Amending sections to expand simplified reporting to households as allowed under the 2008 Farm Bill. | Don Winslow ESA-CSD | | WSR 08-15-133 Filed 7/22/08 | | |
| WAC 388-418-0020 | How does the department determine the date a change affects my benefits? | Revising the rules to make them easier to understand and clarifying the effective date when a change causes and increase in benefits. | Bill Callahan ESA-CSD | | WSR 08-04-075 Filed 2/4/08 | | |
| WAC 388-424-0020 | How does my alien status impact my eligibility for the federally funded Washington Basic Food program benefits? | Extending the duration of eligibility of Afghan Special Immigrants for federally funded Basic Food benefits from 6 to 8 months from the date of entry into the U.S. or date of adjustment to special immigrant status, as required by the federal government. | Olga Walker ESA-CSD | WSR 09-15-029 Filed 7/7/09 | | | |

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| WAC 388-436-0015 | Determining financial need and benefit amount for CEAP | Adding child transportation to the payment chart for CEAP. | Ian Horlor ESA-CSD | | WSR 09-05-058 | WSR 09-10-039 Hearing 6/9/09 | WSR 09-14-040 Effective 7/25/09 |
| WAC 388-448-0030 388-448-0040 | Providing medical evidence | Amending the description of medical evidence requirements needed to determine incapacity to align the rules with the intent of RCW 74.04.005. | Melissa Mathson ESA-CSD | | WSR 08-13-048 Filed 6/12/08 | WSR 08-19-044 Hearing 10/21/08 | |
| WAC 388-450-0005 388-450-0100 388-450-0106 388-450-0140 388-450-0155 388-450-0156 388-450-0157 388-450-0160 388-470-0060 | Sponsor deeming | Clarifying how sponsor's income and resources are deemed available to the sponsored immigrants. | Tom Berry ESA-CSD | | WSR 08-17-114 Filed 8/20/08 | | |
| WAC 388-450-0015 388-450-0185 | Counting income when figuring benefits | Assisting low income families in meeting their child support debts while enhancing their supplies of food. | Don Winslow ESA-CSD | | WSR 08-14-119 Filed 7/1/08 | WSR 09-12-117 Hearing 7/7/09 | |

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| WAC 388-450-0040 | Native American benefits and payments | Correctly reflecting how the various Native American payments are to be treated when the department determines eligibility for DSHS programs. | Don Winslow ESA-CSD | | WSR 08-15-130 Filed 7/22/08 | | |
| WAC 388-450-0175 388-450-0110 388-450-0135 | General Assistance | Aligning the General Assistance earned income deduction with RCW 74.04.266 and earned income incentives offered under the TANF program. | Melissa Mathson ESA-CSD | | WSR 09-11-104 Filed 5/19/09 | | |
| WAC 388-450-0185 388-450-0190 388-450-0195 388-478-0060 388-492-0040 | WASHCAP and Basic Food | Updating standards for Federal Fiscal Year 2009. | John Camp ESA-CSD | | WSR 09-10-056 Filed 5/4/09 | | |
| WAC 388-452-0005 | Do I have to be interviewed in order to get benefits? | Amending rules for Basic Food consistent with approved waivers to interview requirements Under 7 CFR § 273.2 (e) related to required interviews for the Supplemental Nutrition Assistance Program (SNAP). | John Camp ESA-CSD | | WSR 08-22-085 Filed 11/4/08 | | |

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| WAC 388-454-0015 | Temporary absence from the home | Clarifying the policy regarding situations that do not meet the criteria of a temporary absence as described in #4 of the WAC. | Tom Berry ESA-CSD | | WSR 09-02-058 Filed 1/5/09 | | |
| WAC 388-466-0120 388-466-0130 | Refugee cash assistance | Revising rules regarding eligibility for assistance for Special Immigrants from Afghanistan. | Olga Walker ESA-CSD | | WSR 09-11-103 Filed 5/19/09 | | |
| WAC 388-478-0015 | Need Standards for Cash Assistance | Revising the basic need standards for cash assistance. | Aurea Figueroa-Rogers ESA-CSD | | WSR 09-14-017 Filed 6/22/09 | | |

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| Health and Recovery Services Administration (HRSA) | | | | | | | |
| HRSA-Division of Alcohol and Substance Abuse (DASA) | | | | | | | |
| Chapters: 388-800 388-805 388-810 WAC | | [No current rule- making activity.] | | | | | |

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| HRSA-Mental Health Division (MHD) | | | | | | | |
| WAC 388-865-0255 | Consumer grievance process | Updating and clarifying policy and making the rules easier to read. | Kevin Sullivan HRSA-MHD | | WSR 09-05-061 Filed 2/12/09 | | |
| WAC 388-865-0350 388-865-0420 388-865-0425 | Mental Health Screening and Intake Evaluation | Clarifying policy and making the rules easier to read | Kevin Sullivan, HRSA-MHD | | WSR 09-05-060 Filed 2/12/09 | | |
| WAC 388-865-0405 388-865-0452 388-865-0456 388-865-0466 388-865-0468 | Community mental health and involuntary treatment programs | Codifying safety requirements for mental health professionals who conduct home visits to stabilize persons in crisis. | Kevin Sullivan HRSA-MHD | | WSR 09-03-098 Filed 1/21/09 | | |

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| HRSA-Medical Assistance (MA) | | | | | | | |
| WAC 388-424-0006 388-424-0010 388-424-0016 | State Children’s Health Insurance Program | Covering legal immigrant children and pregnant women without the 5 year delay from the time of US entry. | Kevin Sullivan HRSA-MA | WSR 09-08-083 Filed 3/30/09 | WSR 09-07-061 Filed 3/12/09 | WSR 09-11-107 Hearing 6/23/09 | |
| WAC 388-475-1000 388-475-1150 388-475-1200 388-475-1250 | Healthcare for Workers with Disabilities (HWD) | Complying with federal requirements regarding HWD. | Kevin Sullivan HRSA-MA | | WSR 09-12-089 Filed 6/1/09 | | |
| WAC 388-500-0005 | Medical Definitions | Updating medical definitions to make them consistent with how the terms are used throughout HRSA rules. | Jonell O. Blatt HRSA-MA | | WSR 07-20-052 Filed 9/27/07 | | |
| WAC 388-501-0050 388-501-0070 388-501-0163 388-501-0169 | Healthcare coverage | Updating the department’s policy regarding payment for healthcare services. | Wendy Boedigheimer HRSA-MA | | WSR 09-05-055 2/12/09 | WSR 09-14-076 Hearing 8/4/09 | |
| WAC 388-501-0055 | Health Technology Clinical Committee Assessments | Creating a new WAC to support the health technology assessment program established by the 2006 Legislature. | Kevin Sullivan HRSA-MA | | WSR 07-12-061 Filed 6/4/07 | WSR 09-09-080 Hearing 5/26/09 | |

| WAC Chapter or WAC Number | WAC Chapter or Section Caption | Subject Matter | Program Contact Person | Current Activity (the "WSR" number is the official filing number) | | | |
|-------------------------------------|---|--|-------------------------------|--|--|---------------------------|-------------------------------------|
| | | | | Emergency Rule (CR 103E) | Pre-proposal Notice (CR 101) | Proposed Rule (CR 102) | Permanent (Final) Rule (CR 103P) |
| WAC 388-501-0060 388-501-0065 | Healthcare Coverage | Correcting errors made in developing the scope of covered services chart in new WAC 388-501-0060 and WAC 388-501-0065. | Kevin Sullivan HRSA-MA | | WSR 07-12-062 Filed 6/4/07 | | |
| WAC 388-501-0165 | Medical and dental coverage | Clarifying what is meant by "fifteen days" and "business days" | Wendy Boedigheimer HRSA-MA | | WSR 09-05-059 Filed 2/12/09 | | |
| WAC 388-502-0010 388-502-0030 | Payment for providers | Updating and clarifying rules regarding providers of services. | Wendy Boedigheimer HRSA-MA | | WSR 09-05-056 Filed 2/12/09 | | |
| WAC 388-502-0160 | Billing a Client | Revising the rule to clarify when a provider can and cannot bill a client for medical services. | Wendy Boedigheimer HRSA-MA | | WSR 08-01-021 Filed 12/7/07 | | |
| WAC 388-517-0310 | Eligibility for Federal Medicare Savings and State-Funded Medicare Buy-In Program | Matching the resource standards for the Medicare Part D Low-income Subsidy. | Kevin Sullivan HRSA-MA | | WSR 09-12-090 Filed 6/1/09 | | |

| WAC Chapter or WAC Number | WAC Chapter or Section Caption | Subject Matter | Program Contact Person | Current Activity (the "WSR" number is the official filing number) | | | |
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| | | | | Emergency Rule (CR 103E) | Pre-proposal Notice (CR 101) | Proposed Rule (CR 102) | Permanent (Final) Rule (CR 103P) |
| WAC 388-517-0400 | Medicare Coinsurance Payment | Repealing this section because Medicare coinsurance, deductibles, and copayments are addressed in WAC 388-517-0320. | Kevin Sullivan HRSA-MA | | WSR 09-09-060 Filed 4/13/09 | WSR 09-13-094 Hearing 7/21/09 | |
| WAC 388-526-2610 | Prehearing reviews for clients who request a fair hearing. | Adding new sections to the chapter that are specific to the HRSA medical care programs in order to expand on and better define administrative hearing rules. | Kathy Sayre HRSA-MA | | WSR 08-10-064 Filed 5/5/08 | | |
| WAC 388-530-2000 388-530-2100 | Outpatient drugs | Amending sections due to shortfall in anticipated budget revenues. | Kathy Sayre HRSA-MA | | WSR 09-09-059 Filed 4/13/09 | | |
| WAC 388-533-0315 388-533-0320 388-533-0345 | Maternity Support Services | Amending and possibly repealing sections due to shortfall in anticipated budget revenues. | Kathy Sayre HRSA-MA | WSR 09-14-091 Filed 6/30/09 | WSR 09-04-069 Filed 2/2/09 | | |
| WAC 388-533-0365 388-533-0370 388-533-0386 | Infant Case Management | Amending sections to meet targeted budget expenditure levels. | Kathy Sayre HRSA-MA | WSR 09-14-092 Filed 6/30/09 | WSR 09-04-069 Filed 2/2/09 | | |

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| | | | | Emergency Rule (CR 103E) | Pre-proposal Notice (CR 101) | Proposed Rule (CR 102) | Permanent (Final) Rule (CR 103P) |
| WAC 388-533-0300 388-533-0310 through -0345 388-533-0360 through -0386 | Infant Case Management and Maternity Support Services | Clarifying provider qualifications, client eligibility and services reimbursed for infant case management and maternity support services. | Wendy Boedigheimer HRSA-MA | | WSR 07-21-106 Filed 10/19/07 | | |
| WAC 388-533-0390 | Childbirth Education | Amending rules to break the information into smaller sections, clarify and update rules, and clarify policy on payment of childbirth education when delivered as a refresher course. | Wendy Boedigheimer HRSA-MA | | WSR 07-03-055 Filed 1/12/07 | | |
| WAC 388-533-1000 | First Steps Childcare Program | Eliminating the First Steps Child Care program | Kevin Sullivan HSRA-MA | WSR 09-12-051 Filed 5/28/09 | WSR 09-01-143 Filed 12/22/08 | | |
| WAC 388-535-1084 388-535-1090 388-535-1100 388-535-1261 388-535-1266 388-535-1267 388-535-1269 388-535-1271 | Dental-related services | Amending sections due to shortfall in anticipated budget revenues | Kathy Sayre HRSA-MA | WSR 09-14-093 Filed 6/30/09 | WSR 09-04-070 Filed 2/2/09 | | |

| WAC Chapter or WAC Number | WAC Chapter or Section Caption | Subject Matter | Program Contact Person | Current Activity (the "WSR" number is the official filing number) | | | |
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| | | | | Emergency Rule (CR 103E) | Pre-proposal Notice (CR 101) | Proposed Rule (CR 102) | Permanent (Final) Rule (CR 103P) |
| Chapter 388-543 WAC | Durable Medical Equipment | Amending this chapter to improve clarity and update policy regarding durable medical equipment, and related supplies, prosthetics, orthotics, medical supplies and related services. | Wendy Boedigheimer HRSA-MA | | WSR 09-12-043 Filed 5/27/09 | | |
| WAC 388-543-1150 388-543-1300 388-543-1600 388-543-2300 | Durable Medical Equipment | Amending rules due to shortfalls in anticipated budget revenues. | Wendy Boedigheimer HRSA-MA | | WSR 09-05-057 Filed 2/12/057 | | |
| WAC 388-543-2900 | Medical supplies and nondurable medical equipment (MSE) – reimbursement methodology | Describing the payment methodology the department will use to meet the Legislature's intent. | Wendy Boedigheimer HRSA-MA | WSR 09-14-083 Filed 6/30/09 | WSR 09-14-041 Filed 6/24/09 | | |
| WAC 388-546-0001 through 388-546-4000 | Emergency Transportation Services | Informing providers regarding Ambulance Program policies not currently addressed or sufficiently explained in Chapter 388-546 WAC and billing instructions. | Wendy Boedigheimer HRSA-MA | | WSR 09-10-015 Filed 4/24/09 | | |

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| | | | | Emergency Rule (CR 103E) | Pre-proposal Notice (CR 101) | Proposed Rule (CR 102) | Permanent (Final) Rule (CR 103P) |
| WAC 388-546-5000 Through 388-546-5400 | Nonemergency Transportation Services | Updating, rearranging, and clarifying rules related to nonemergency transportation for clients to and from medically necessary covered medical services. | Kevin Sullivan HRSA-MA | | WSR 09-04-073 Filed 2/2/09 | | |
| WAC 388-546-5500 | Modifications of privately owned vehicles | Amending this rule due to budget constraints. | Wendy Boedigheimer HRSA-MA | WSR 09-14-087 Filed 6/30/09 | WSR 09-03-099 Filed 1/21/09 | | |
| WAC 388-546-5500 | Modifications of privately owned vehicles | Due to shortfalls in anticipated budget revenues, the department is amending this section by moving modifications of privately owned vehicles to noncovered. | Wendy Boedigheimer HRSA-MA | | WSR 09-09-100 Filed 4/20/09 | | |

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| | | | | Emergency Rule (CR 103E) | Pre-proposal Notice (CR 101) | Proposed Rule (CR 102) | Permanent (Final) Rule (CR 103P) |
| Chapter 388-548 WAC | Federally Qualified Health Centers | Implementing the federal payment methodology for Federally Qualified Health Centers. The Federal Benefit Improvement and Protection Act of 2000 replaced cost-based reimbursement methodology with Medicaid FQHC Prospective Payment System. | Wendy Boedigheimer HRSA-MA | WSR 09-14-086 Filed 6/30/09 | WSR 08-14-125 Filed 7/1/08 | | |
| WAC 388-549-1100 388-549-1400 388-549-1500 | Rural Health Clinics | Describing the reimbursement methodology the department will use for Rural Health Clinics as authorized by federal law and the state plan. | Wendy Boedigheimer HRSA-MA | WSR 09-14-085 Filed 6/30/09 | | | |
| Chapter 388-550 WAC | Hospital Services – Disproportionate Share Hospitals | Update and clarify sections in chapter 388-550 WAC that pertain to the Disproportionate Share Hospital program. | Kathy Sayre HRSA-MA | | WSR 08-22-023 Filed 10/28/08 | | |

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| | | | | Emergency Rule (CR 103E) | Pre-proposal Notice (CR 101) | Proposed Rule (CR 102) | Permanent (Final) Rule (CR 103P) |
| Chapter 388-550 WAC | Hospital Services | Incorporating into rule "never events" "present on admission" and "hospital-acquired conditions" | Kathy Sayre HRSA-MA | | WSR 09-04-071 Filed 2/2/09 | | |
| WAC 388-550-4670 388-550-4900 388-550-5150 388-550-5200 388-550-5210 388-550-5220 | Hospital related rules | Amending hospital-related and provider-related rules due to shortfall in anticipated budget revenues. | Kathy Sayre HRSA-MA | WSR 09-14-088 Filed 6/30/09 | WSR 09-04-072 Filed 2/2/09 | | |
| Chapter 388-552 WAC | Oxygen and Respiratory Therapy Services | Improving clarity, updating policy regarding oxygen and respiratory therapy, and reorganizing the section to be consistent with other chapters. | Wendy Boedigheimer HRSA-MA | | WSR 09-13-099 | | |
| WAC 388-554-100 388-554-200 388-554-300 388-554-400 388-554-500 388-554-600 388-554-700 388-554-800 388-554-900 | Enteral Nutrition Program | Amending rules due to shortfalls in anticipated budget revenues. | Wendy Boedigheimer HRSA-MA | WSR 09-14-090 Filed 6/30/09 | WSR 09-06-080 Filed 3/3/09 | | |

| WAC Chapter or WAC Number | WAC Chapter or Section Caption | Subject Matter | Program Contact Person | Current Activity (the “WSR” number is the official filing number) | | | |
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| | | | | Emergency Rule (CR 103E) | Pre-proposal Notice (CR 101) | Proposed Rule (CR 102) | Permanent (Final) Rule (CR 103P) |
| Juvenile Rehabilitation Administration (JRA) | | | | | | | |
| Chapter 388-700 WAC | Juvenile rehabilitation administration – Practices and procedures | Potential revisions due to changes in background check procedures. | David Griffith JRA | | Planned for future action. | | |
| Chapter 388-710 WAC | Consolidated Juvenile Services program | implement changes associated with the development of a new funding formula for the state funded juvenile court Consolidated Juvenile Services programs as well as the development of a “Block Grant” funding mechanism. | Jeff Patnode JRA | | Planned for future action | | |
| Chapter 388-720 WAC | Collection of costs of support, treatment and confinement of juveniles under RCW 13.40.220 | More accurately reflecting gross personal income levels used to calculate obligation to reimburse the department and current costs of institutional care for juveniles in legal custody of the department. | Lee Mosley JRA | | WSR 09-01-073 Filed 12/15/08 | | |

| WAC Chapter or WAC Number | WAC Chapter or Section Caption | Subject Matter | Program Contact Person | Current Activity (the "WSR" number is the official filing number) | | | |
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| | | | | Emergency Rule (CR 103E) | Pre-proposal Notice (CR 101) | Proposed Rule (CR 102) | Permanent (Final) Rule (CR 103P) |
| Chapter 388-745 WAC | Transfer of juvenile offenders to the Dept. of Corrections (DOC) | Potential revisions due to changes in transfer procedures. | David Griffith, JRA | | Planned for future action. | | |
| Chapter 388-750 WAC | Impact account – Criminal justice cost | Review for potential updates. | Ken Moses, Trent Phillips, JRA | | Planned for future action. | | |

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| | | | | Emergency Rule (CR 103E) | Pre- proposal Notice (CR 101) | Proposed Rule (CR 102) | Permanent (Final) Rule (CR 103P) |
| Executive Programs (Exec) | | | | | | | |
| Exec – Division of Vocational Rehabilitation (DVR) | | | | | | | |
| Chapter 388-891 WAC 388-892 WAC | | [No current rule- making activity] | | | | | |

| WAC Chapter or WAC Number | WAC Chapter or Section Caption | Subject Matter | Program Contact Person | Current Activity (the “WSR” number is the official filing number) | | | |
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| | | | | Emergency Rule (CR 103E) | Pre-proposal Notice (CR 101) | Proposed Rule (CR 102) | Permanent (Final) Rule (CR 103P) |
| Exec - Management Services | | | | | | | |
| Chapter 388-02 WAC | Hearing rules | Making rules consistent with case law, facilitating timely processing of administrative hearings, promoting consistency in administrative hearing decisions, and clarifying rules. | Brian Lindgren MS-Board of Appeals | | WSR 08-22-051 Filed 11/3/08 | | |
| Chapter 388-03 WAC | Rules and regulations for the certification of DSHS spoken language interpreters and translators | Updating references to units of DSHS (such as Language Interpreter Services and Translations, or LIST) that have been reorganized and renamed to change timeframes for DSHS mailing of letters notifying applications of their test dates, reviewing the chapter for other necessary changes. | Don Goldsby MSA-Language Testing and Certification | | WSR 08-12-067 Filed 6/3/08 | | |
| Chapter 388-06 WAC | Background Checks | Amending the rules to implement Initiative 1029. | Cindy LaRose MSA-Background Check Central Unit | | WSR 09-08-051 Filed 3/25/09 | | |

| WAC Chapter or WAC Number | WAC Chapter or Section Caption | Subject Matter | Program Contact Person | Current Activity (the “WSR” number is the official filing number) | | | |
|---|--|---|---|--|------------------------------------|------------------------|----------------------------------|
| | | | | Emergency Rule (CR 103E) | Pre-proposal Notice (CR 101) | Proposed Rule (CR 102) | Permanent (Final) Rule (CR 103P) |
| Exec - Office of Deaf and Hard of Hearing Services | | | | | | | |
| Chapter 388-818 WAC | Deaf and Hard of Hearing services | | No current rule-making activity | | | | |
| Exec - Office of Risk Management (ORM) | | | | | | | |
| Chapter 388-01 WAC | DSHS organization and disclosure of public records | Amending rules to reflect changes in DSHS organization structure, and to implement chapter 483, Laws of 2005. | Kristal K. Wiitala, Privacy Officer | | Planned for future action | | |
| Exec - Planning, Performance and Accountability (PPA) | | | | | | | |
| Chapter 388-04 WAC | Protection of human research subjects | | No current rule-making activity | | | | |
| Exec - Special Commitment Center (SCC) | | | | | | | |
| Chapter 388-880 WAC | Civil commitment process of sexually violent predators | Updating to better reflect practices and changes in chapter 71.09 RCW. | Mark Davis Special Commitment Center | | WSR 09-11-102 Filed 5/19/09 | | |

Notes and Definitions

Explanation of selected terms used in these tables:

“CR” stands for Code Reviser, or Code Reviser’s Office. The Code Reviser’s Office creates the “CR” forms used by DSHS and all state agencies to notify the public about rule-making actions.

A **“Pre-proposal Notice”** is a **CR-101 Preproposal Statement of Inquiry** filed under RCW 34.05.310. This is a preliminary notice to the public that DSHS is in the planning stages to adopt, amend or repeal rules on a particular subject, and notes the laws authorizing the agency’s action. The notice also lets the public know how to participate in the development of the rule, and identifies the department’s contact person.

A **“Proposed Rule”** is a **CR-102 Proposed Rule-Making** notice filed under RCW 34.05.320. The notice includes:

- 1) A description of the rules that DSHS proposes to adopt, amend or repeal, and the reasons supporting the proposal;
- 2) The date and location of a **public hearing** or hearings to take formal comments about the proposed rule; the deadline for sending written comments about the rule; and how written comments may be sent;
- 3) The laws authorizing the agency action;
- 4) The complete text of the proposed new or amended rules, or a list of rule sections being repealed;
- 5) The text of a small business economic impact statement, if applicable;
- 6) Information on how to obtain a copy of the preliminary cost benefit analysis, if applicable; and
- 7) Agency staff that the public may contact about the proposed rules.

An **“Expedited Rule”** is a **CR-105 Expedited Rule-Making** notice, filed under RCW 34.05.353. DSHS may use this process to notify the public that it intends to adopt, amend or repeal very limited types of rules without accepting public comments or holding a public hearing. After a minimum waiting period, DSHS may adopt the rule as permanent, if no one has objected in writing. If someone does object, the department must file a CR-102 notice, hold a public hearing and accept written comments before adopting the permanent rule.

A **“Permanent Rule”** is a **CR-103P Rule-Making Order**, filed under RCW 34.05.360 and 34.05.380. The CR-103P gives notice that the department is adopting final new, amended or repealed rules, completing the rule-making process. A CR-103P rule-making order includes the complete text of the new or amended rules, or a list of the WAC numbers and caption of rules being repealed, and an explanation of any changes to the rule made after the CR-102 notice.

An **“Emergency Rule”** is also a **CR-103E Rule-Making Order**, filed under RCW 34.05.350 and 34.05.380. This is a temporary rule used to meet an urgent public health, safety or welfare need, or to meet a deadline set in a law or federal requirement. Emergency rules are effective for 120 days after the filing date. Emergency rules may be extended in certain circumstances, but they may not become permanent rules unless the agency files a pre-proposal notice and/or a proposed rule notice as applicable, and complies with other applicable rule-making statutes. NOTE: Emergency rules listed in these tables are only those in effect at the time this agenda was filed for publication in the Washington State Register.

“Rules” as used generally in this document are the Washington Administrative Code, also known as WAC or state regulations, which are adopted by state agencies according to the Administrative Procedure Act, chapter 34.05 RCW. References to “federal rules” or “federal regulations” are U.S. government regulations, also known as the Code of Federal Regulations or CFR.

State **“Statutes”** are laws adopted by the Washington State Legislature and signed by the Governor, or may be initiatives adopted by the state’s voters, and are codified as the Revised Code of Washington (RCW), except that laws adopting annual state budgets are not codified. Recent state statutes may also be listed by their session law numbers, such as “chapter 140, Laws of 2008,” or by a legislative bill number, such as “ESSB 6387.” U.S. Government statutes may be noted by their U.S. Code number, Public Law number, Act title, or congressional bill number.

“WSR” is the Washington State Register, the legal publication of state agency rules and other notices, published twice each month by the Office of Code Reviser. Throughout this agenda, the seven-digit number following each WSR is the Code Reviser’s official filing number assigned at the time DSHS files a rule-making notice with the Code Reviser. The WSR number, plus the date and time of filing, appears on the first page of each “CR” notice as filed. To view facsimiles of DSHS rule-making notices as filed with the Code Reviser, visit the DSHS public rule-making website at <http://www1.dshs.wa.gov/msa/rpau/>. All DSHS rule-making notices are available to the public.

This agenda is for information purposes only. Errors in this rule-making agenda do not alter the content or effect of the DSHS rules and rule-making notices filed with the Office of the Code Reviser and published in the Washington State Register.

If you have questions about this rule-making agenda or the DSHS rule-making process, please contact the DSHS Rules Coordinator, at PO Box 45850, Olympia, Washington, 98504-5850, by phone at 360-664-6097. If you would like to receive DSHS rule-making notices by e-mail, please visit the DSHS Rules and Policies Assistance Unit (RPAU) web site for available electronic lists, at <http://www1.dshs.wa.gov/msa/rpau/RPAU-Listserv.htm>. If you would like to receive notices by postal mail, please contact Jennisha Johnson, RPAU Rules Consultant, at 360-664-6094, or by e-mail at johnsjl4@dshs.wa.gov.



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Management Services - Administrative Services Division
Rules and Policies Assistance Unit (RPAU) Mailstop: 45850

July 14, 2009

To: Kyle Thiessen, Code Reviser
Interested Parties
Office of Financial Management – Office of Regulatory Assistance
Joint Administrative Rules Review Committee
Agency Rules Coordinators for the:
Department of Agriculture
Department of Community, Trade and Economic Development
Department of Corrections
Department of Early Learning
Department of Ecology
Employment Security Department
Department of Fish and Wildlife
Department of Health
Department of General Administration
Department of Labor and Industries
Department of Natural Resources
Department of Transportation
Office of the Superintendent of Public Instruction

From: Stephanie Schiller, Rules Coordinator, Department of Social and Health Services

Subject: DSHS Semi-Annual Rule-Making Agenda, July – December 2009

Attached is the Department of Social and Health Services' Semi-Annual Rule-Making Agenda for July 1, 2009 through December 31, 2009. This agenda will be published in the Washington State Register under RCW 34.05.314 and distributed to interested parties, and is available online at <http://www1.dshs.wa.gov/msa/rpau/>.

This report represents DSHS rules under development at this time. There may be additional rule-making activity as DSHS responds to legislative actions, to comply with federal mandates, or to meet unforeseen circumstances.

Attachment

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 14, 2009

TIME: 2:43 PM

WSR 09-15-096